

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	MAGISTRATE NO.: A-09-CR-263
)	
MICHAEL WILKINS)	

MOTION FOR DETENTION

The United States, by and through the undersigned Assistant United States Attorney, files this motion for pretrial detention under Title 18, United States Code, Section 3141, et seq., and would show the Court the following:

1. The Government seeks a detention hearing pursuant to 18 U.S.C. § 3142(f) because the pending case involves:

- ☐ (A) A crime of violence; 18 U.S.C. § 3142(f)(1)(A).
- ☐ (B) An offense for which the maximum sentence is life imprisonment or death; 18 U.S.C. § 3142(f)(1)(B).
- ☐ (C) An offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act, the Controlled Substances Import and Export Act or the Maritime Drug Law Enforcement Act. 18 U.S.C. § 3142(f)(1)(C).
- ☐ (D) A felony committed after the Defendant had been convicted of two or more prior offenses described in Title 18, United States Code, § 3142(f)(1)(A)-(C) or comparable state or local offense.
- ☒ (E) A felony committed after the Defendant had been convicted of two or more prior offenses described in Title 18, United States Code, § 3142(f)(1)(A)-(C) or comparable state or local offense.
- ☒ (F) A serious risk that the Defendant will flee; 18 U.S.C. § 3142(f)(2)(A).
- ☐ (G) A serious risk that the person will obstruct or attempt to obstruct justice, or attempt to threaten, injure or intimidate a prospective witness or juror; 18 U.S.C. § 3142(f)(2)(B).

- ☐ (H) An offense committed by the Defendant while released pending trial or sentence, or while on probation or parole and the person may flee and/or poses a danger to another person and/or the community requiring an initial 10 day detention pursuant to 18 U.S.C. § 3142(d).
- ☐ (I) An offense committed by the above named defendant who is not a citizen of the United States or lawfully admitted for permanent residence and the person may flee requiring an initial 10 day detention under the provisions of 18 U.S.C. § 3142(d).

2. No condition or combination of conditions will:

- ☒ (a) Reasonably assure the appearance of the person as required.
- ☒ (b) Reasonably assure the safety of the community or any other person.

The United States may advocate additional reasons for detention other than those indicated above as the investigation proceeds and new information becomes available.

Pursuant to 18 U.S.C. § 3142(f) [and (d) for ten days] the United States moves that the detention hearing be continued for **TEN (10)** days, excluding Saturdays, Sundays and holidays so that the United States can prepare for said hearing.

The Government requests that the Defendant be detained and held without bond.

Respectfully submitted,

JOHN E. MURPHY
Acting United States Attorney

By:

DATE: June 18, 2009

/s/
JAMES BOOHER
Assistant U.S. Attorney
816 Congress Avenue, Suite 1000
Austin, Texas 78701
(512)916-5858 / office
(512)916-5854 / fax